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5 **BEFORE THE**
6 **BOARD OF REGISTERED NURSING**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 2012-603

10 **DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

11 **BRANDY BYRUM PAGE**
12 **aka BRANDY DENISE BYRUM**
13 **1212 Hartford Avenue**
14 **Charlotte, NC 28209**

15 **Registered Nurse License No. 610465**

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about April 4, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official
19 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2012-603 against Brandy Byrum Page, also known as
21 Brandy Denise Byrum (Respondent) before the Board of Registered Nursing. (Accusation
22 attached as Exhibit A.)

23 2. On or about December 10, 2002, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 610465 to Respondent. The Registered Nurse License expired on
25 November 30, 2004, and has not been renewed.

26 3. Business and professions Code section 2764 provides, in pertinent part, that the
27 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
28 proceeding against the licensee or to render a decision imposing discipline on the license. Under

1 Code section 2811, subdivision (b), the Board may renew an expired license at any time within
2 eight years after the expiration.

3 4. On or about April 4, 2012, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 2012-603, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
7 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
8 of record was and is:

9 Brandy Bryum Page
10 1212 Hartford Avenue
11 Charlotte, NC 28209.

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 6. On or about April 19, 2012, and April 20, 2012, the aforementioned documents were
16 returned by the U.S. Postal Service marked "Addressee Unknown."

17 7. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
22 may nevertheless grant a hearing.

23 8. On or about April 4, 2012, the Board also served Respondent at the following
24 alternate address:

25 Brandy Byrum Page
26 511 N. Alder
27 Gilbert, AZ 85233

28 9. On or about May 14, 2012, the aforementioned documents were returned by the U.S.
Postal Service marked "Unclaimed and Name not at this address."

10. On or about April 30, 2012, the Board became aware of a possible new address for
Respondent. Accordingly, Respondent was reserved by Certified and First Class Mail copies of

1 the Accusation No. 2012-603, Statement to Respondent, Notice of Defense, Request for
2 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)
3 at:

Brandy Byrum Page
P.O. Box 1047
Gilbert, AZ 85299-1047

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6 11. On or about May 14, 2012, the aforementioned documents were returned by the U.S.
7 Postal Service marked "Vacant."

8 12. Respondent failed to file a Notice of Defense within 15 days after service upon her of
9 the Accusation, and still has not filed a Notice of Defense, and therefore waived her right to a
10 hearing on the merits of Accusation No. 2012-603.

11 13. California Government Code section 11520 states, in pertinent part:

12 (a) If the respondent either fails to file a notice of defense or to appear at the
13 hearing, the agency may take action based upon the respondent's express admissions
14 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

15 14. Pursuant to its authority under Government Code section 11520, the Board finds
16 Respondent is in default. The Board will take action without further hearing and, based on the
17 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
18 taking official notice of all the investigatory reports, exhibits and statements contained therein on
19 file at the Board's offices regarding the allegations contained in Accusation No. 2012-603, finds
20 that the charges and allegations in Accusation No. 2012-603, are separately and severally, found
21 to be true and correct by clear and convincing evidence.

22 15. Taking official notice of its own internal records, pursuant to Business and
23 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
24 and Enforcement is \$1,515.00 as of October 16, 2012.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Brandy Byrum Page, also known as Brandy Denise Byrum, has subjected her Registered Nurse License No. 610465 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows: On or about June 17, 2010, pursuant to Consent Agreement and Order No. 1003004 in the disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN161073 Issued to: Brandy Byrum Page", the Arizona Board suspended Respondent's Arizona registered nurse license for 18 months. A true and correct copy of Consent Agreement and Order No. 1003004 is attached as **Exhibit A** and incorporated herein by reference. Respondent admitted the following findings of the Board:

1. Respondent was employed as a registered nurse at Arizona Heart Hospital in Phoenix, Arizona (the "Hospital") from December 1, 2004, to February 26, 2010.

2. Based upon a review of an Omnicell report in February 2010, Respondent was identified as having a high number of narcotic withdrawals. As a result, an Omnicell audit was performed for the period of January 10, 2010, to February 18, 2010. A review of the Omnicell records in combination with patient medical records revealed discrepancies for 9 patients. Most of the discrepancies involved the medications Dilaudid, Versed, and Demerol.

3. Based upon the medication discrepancies, Respondent's employment with the Hospital was terminated on February 26, 2010.

4. On April 6, 2010, following the death of her fiancé, Respondent attempted suicide by overdosing on benzodiazepines and alcohol, resulting in

hospitalization. According to records received, Respondent's medical provider recommended that Respondent not return to work at this time.

b. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona Board as follows: On or about July 7, 2011, the Arizona Board revoked Respondent's license.

c Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (a), in that on or about June 3, 2010, Respondent self-administered the controlled substance methamphetamine without lawful authority therefore, as set forth in paragraph d, below.

d. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762, subdivision (b), in that on or about June 3, 2010, Respondent used the controlled substance methamphetamine to an extent or in a manner dangerous or injurious to herself, other persons, and the public, as follows: On or about June 3, 2010, a Buena Park Police Officer observed a BMW being driven erratically. The officer initiated a traffic stop and made contact with the driver, Respondent. As the officer was speaking with Respondent, he observed that her pupils were dilated. Respondent spoke in a rapid manner licking her lips, was shaking, fidgety and acting extremely nervous, and her nose was running. The officer took Respondent's pulse, which he estimated to be at least approximately 150 beats per minute. Another officer, who was a drug recognition expert, determined that Respondent was under the influence of a CNS (central nervous system) stimulant consistent with methamphetamine. Respondent was arrested for violating Health and Safety Code section 11550, subdivision (a) (under the influence of a controlled substance), and Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs).

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 610465, heretofore issued to Respondent Brandy Byrum Page, aka Brandy Denise Byrum, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 27, 2013.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

10940949.DOC
DOJ Matter ID: SA2011102374

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-603

13 **BRANDY BYRUM PAGE,**
14 **aka BRANDY DENISE BYRUM**
15 **1212 Hartford Avenue**
16 **Charlotte, NC 28209**
17 **Registered Nurse License No. 610465**

A C C U S A T I O N

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
Department of Consumer Affairs.
- 22 2. On or about December 10, 2002, the Board issued Registered Nurse License Number
23 610465 to Brandy Byrum Page, also known as Brandy Denise Byrum ("Respondent").
24 Respondent's registered nurse license expired on November 30, 2004.

25 **STATUTORY PROVISIONS**

- 26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

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12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action

15 6. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the
17 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
person licensed under this chapter to do any of the following:

18 (a) Obtain or possess in violation of law, or prescribe, or except as
19 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
20 himself or herself, or furnish or administer to another, any controlled substance as
defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

21 (b) Use any controlled substance as defined in Division 10 (commencing
22 with Section 11000) of the Health and Safety Code, or any dangerous drug or
23 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
24 in a manner dangerous or injurious to himself or herself, any other person, or the
public or to the extent that such use impairs his or her ability to conduct with safety to
the public the practice authorized by his or her license . . .

25 7. Health and Safety Code section 11170 states that no person shall prescribe,
26 administer, or furnish a controlled substance for himself.

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COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES

9. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2).

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Arizona State Board of Nursing)

10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows: On or about June 17, 2010, pursuant to Consent Agreement and Order No. 1003004 in the disciplinary proceeding titled "In the Matter of Registered Nurse License No. RN161073 Issued to: Brandy Byrum Page", the Arizona Board suspended Respondent's Arizona registered nurse license for 18 months. A true and correct copy of Consent Agreement and Order No. 1003004 is attached as **Exhibit A** and incorporated herein by reference. Respondent admitted the following findings of the Board:

a. Respondent was employed as a registered nurse at Arizona Heart Hospital in Phoenix, Arizona (the "Hospital") from December 1, 2004, to February 26, 2010.

b. Based upon a review of an Omnicell report in February 2010, Respondent was identified as having a high number of narcotic withdrawals. As a result, an Omnicell audit was performed for the period of January 10, 2010, to February 18, 2010. A review of the Omnicell records in combination with patient medical records revealed discrepancies for 9 patients. Most of the discrepancies involved the medications Dilaudid, Versed, and Demerol.

c. Based upon the medication discrepancies, Respondent's employment with the Hospital was terminated on February 26, 2010.

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1 d. On April 6, 2010, following the death of her fiancé, Respondent attempted suicide by
2 overdosing on benzodiazepines and alcohol, resulting in hospitalization. According to records
3 received, Respondent's medical provider recommended that Respondent not return to work at this
4 time.

5 11. On or about July 7, 2011, the Arizona Board revoked Respondent's license.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Self-Administration of Controlled Substances)**

8 12. Respondent is subject to disciplinary action pursuant to Code section 2761,
9 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
10 subdivision (a), in that on or about June 3, 2010, Respondent self-administered the controlled
11 substance methamphetamine without lawful authority therefor, as set forth in paragraph 13 below.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Use of Controlled Substances to an Extent or in a Manner**

14 **Dangerous or Injurious to Oneself and/or Others)**

15 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
16 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
17 subdivision (b), in that on or about June 3, 2010, Respondent used the controlled substance
18 methamphetamine to an extent or in a manner dangerous or injurious to herself, other persons,
19 and the public, as follows: On or about June 3, 2010, an officer with the Buena Park Police
20 Department was traveling northbound on Stanton from Beach Boulevard when he observed a
21 black BMW pulling out of the Best Inn Suites located on Stanton Avenue. The vehicle made a
22 left turn from Stanton onto southbound Beach Boulevard and failed to signal. As the vehicle was
23 making the left turn, the driver jerked the vehicle from left to right. Once the vehicle was in the
24 No. 2 lane, it made an abrupt lane change into the No. 3 lane, again failing to signal. The officer
25 initiated a traffic stop and made contact with the driver, Respondent. The officer found that
26 Respondent had two passengers in the vehicle. As the officer was speaking with Respondent, he
27 observed that her pupils were dilated. Respondent was speaking in a rapid manner and continued
28 to lick her lips, which were extremely dry. Respondent was also shaking and acting extremely

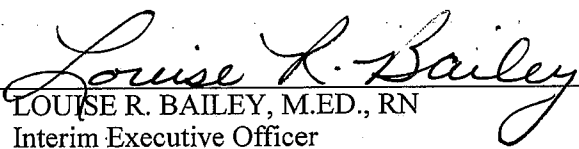
1 nervous. Later, two other officers arrived on scene. All three subjects (Respondent and her two
2 passengers) were instructed to exit the vehicle. Respondent continued to act nervous, was
3 extremely fidgety, and her nose was running. The officer took Respondent's pulse, which he
4 estimated to be at least approximately 150 beats per minute. One of the other two officers, who
5 was a drug recognition expert, conducted an evaluation of Respondent. At the conclusion of the
6 evaluation, the officer determined that Respondent was under the influence of a CNS (central
7 nervous system) stimulant consistent with methamphetamine. Respondent was arrested for
8 violating Health and Safety Code section 11550, subdivision (a) (under the influence of a
9 controlled substance), and Vehicle Code section 23152, subdivision (a) (driving under the
10 influence of alcohol or drugs).

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 610465, issued to Brandy
15 Byrum Page, also known as Brandy Denise Byrum;
- 16 2. Ordering Brandy Byrum Page, also known as Brandy Denise Byrum, to pay the
17 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
18 case, pursuant to Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

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21 DATED: April 04, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Consent Agreement and Order No. 1003004

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF REGISTERED
NURSE LICENSE NO. RN161073
ISSUED TO:

BRANDY BYRUM PAGE,
RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 1003004**

CONSENT AGREEMENT

A complaint charging Brandy Byrum Page (hereinafter "Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter "Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07(F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued registered nurse license number RN161073.
2. Respondent was employed as a registered nurse at the Arizona Heart Hospital in Phoenix, Arizona (the "Hospital") from December 1, 2004, to February 26, 2010.
3. Based upon a review of an Omnicell report in February 2010, Respondent was identified as having a high number of narcotic withdrawals. As a result, an Omnicell audit was performed for the period of January 10, 2010, to February 18, 2010. A review of the Omnicell records in combination with patient medical records revealed discrepancies for nine patients.

Most of the discrepancies involved the medications Dilaudid (hydromorphone), Versed (midazolam), and Demerol (meperidine).

4. Based upon the medication discrepancies, Respondent's employment with the Hospital was terminated on February 26, 2010.

5. On April 6, 2010, following the death of her fiancé, Respondent attempted suicide by overdosing on benzodiazepines and alcohol resulting in hospitalization. According to records received, Respondent's medical provider recommended that Respondent not return to work at this time.

CONCLUSIONS OF LAW

1. Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Findings of Fact constitutes unprofessional conduct pursuant to A.R.S. § 32-1601(18)(d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public), and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.

3. The conduct and circumstances described in Findings of Fact constitute unprofessional conduct pursuant to A.R.S. § 32-1601(18)(j), (Violating a rule that is adopted by the board pursuant to this chapter, specifically, A.A.C. R4-19-403(B)(31) (Practicing in any manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed), and is grounds for disciplinary action pursuant to A.R.S. § 32-1663 and § 32-1664.

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action

against the license of Respondent to practice as a registered nurse and certified nursing assistant in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to the Order, the Findings of Fact, and Conclusions of Law.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.


Respondent understands that the admissions contained in this Consent Agreement are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

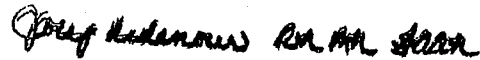
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Respondent

Dated: 6/16/10

ARIZONA STATE BOARD OF NURSING



Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: JUNE 17, 2010

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

1. Respondent's consent to the terms and conditions of the Order and waiver of public hearing are accepted.
2. This Order becomes effective upon the Board and the Respondent's acceptance of the Consent Agreement. The effective date is the date the Consent Agreement is signed by the Board and the Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.
3. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing license.

4. If Respondent fails to renew her license and it remains expired for two or more years, Respondent's license will automatically be revoked. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

5. Respondent's license is hereby **SUSPENDED** for eighteen (18) months.

TERMS OF SUSPENSION

6. **Surrender of License**

Respondent agrees to immediately surrender Respondent's license to the Board and will not practice nursing for the period of suspension.

7. **Substance Abuse and Psychological Evaluation**

Within 30 days of the effective of this Order, Respondent shall submit to a hair analysis drug screen by a drug testing facility pre-approved by Board staff. Respondent shall require that the drug testing facility submit the hair analysis drug screen results directly to the Board. The hair analysis results will be submitted by Board staff to the Board-approved evaluator.

Within 18 months of the effective date of this Order, Respondent shall make an appointment to undergo a substance abuse and psychological evaluation by a Board approved licensed psychologist who has expertise in substance use disorders (the "Evaluator"). Respondent shall notify Board staff at least two (2) weeks before her scheduled evaluation appointment, and Board staff will supply the Evaluator with a copy of its investigative file in this case. Respondent shall execute release of information forms to allow the Evaluator to communicate information with the Board or its designee. Prior to the evaluation, Respondent shall furnish a copy of the Findings of Fact, Conclusions of Law and the Order, to the Evaluator who shall verify receipt of the Order and any other materials provided in a written report on

letterhead to the Board. The Respondent shall direct the Evaluator to submit a report to the Board summarizing the evaluation within thirty days after the completed appointment for the evaluation.

The report should include a history of chemical use, past and present treatment and/or recovery activities, results of any testing, recommendations for treatment, if any, and an assessment as to Respondent's ability to function safely in nursing.

Respondent must complete and comply with any and all recommendations made by the Evaluator, including, during the probationary period, any and all work restrictions or limitations. If treatment or therapy is recommended, Respondent shall, within thirty days of the requirement notice, submit to the Board or its designee for prior approval the name and qualifications of treatment facilities and or therapists of Respondent's choice. Respondent shall within thirty days of the Board's receipt of the Evaluator's report, initiate all treatment and/or therapy activities. Failure to comply with the Evaluator's treatment recommendations is a violation of this Order. The Board reserves the right to amend the Order based upon the recommendations of the Evaluator.

If Respondent fails to complete the substance abuse and psychological evaluation within 18 months of the effective date of this order, Respondent's license number RN161073 is revoked.

8. Rehabilitation Program

If Respondent is found to have a substance use disorder and/or in need of substance treatment, within 30 days of the Board's receipt of the Evaluator's report, Respondent shall enter a chemical dependency rehabilitation program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of

Respondent's entry. The Program shall also notify the Board as to Respondent's participation and progress in, and discharge or termination from the program. At the completion of the program, Respondent shall cause the program director to provide the Board with documentation concerning Respondent's completion of the program and recommendations and arrangements for appropriate follow-up treatment.

9. Completion of Suspension

Following the Board's receipt of the Evaluator's report, if Respondent is determined safe to return to practice (as determined by the Board or its designee after review of the Evaluator's report), and Respondent is otherwise compliant with all other terms of this Order, Respondent's registered nurse license shall be placed on **PROBATION**. In the event the Evaluator determines that Respondent has a substance use disorder and/or that Respondent is in need of substance treatment, Respondent's probationary period shall begin upon Respondent's completion of the Rehabilitation Program.

TERMS OF SUSPENSION AND PROBATION

10. Aftercare Program

If Respondent is found to have a substance use disorder and/or in need of substance treatment, within seven days of the completion of the Rehabilitation Program, Respondent shall enter and must successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall execute the appropriate release of information form allowing the program to inform the Board of Respondent's entry into the program. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into

the program and quarterly thereafter according to schedule, for the remainder of the term of this Order or until completion of the aftercare program.

...

11. Nurse Recovery Group

If Respondent is found to have a substance use disorder and/or in need of substance treatment, within seven days of the completion of the Rehabilitation Program, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty miles. Respondent shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Board-acceptable Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

12. Participation in AA/NA

If Respondent is found to have a substance use disorder and/or in need of substance treatment:

- (a) Within seven days of completion of the Rehabilitation Program, and throughout the remaining term of this Order, Respondent shall participate at least weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by his/her sponsor. The first report is due commencing the on the first quarterly reporting date after entry into AA/NA participation and quarterly thereafter.
- (b) Respondent shall obtain a temporary sponsor, if participating in a twelve-step

program, within thirty days of completion of the Rehabilitation Program and a permanent sponsor within sixty days of completion of the Rehabilitation Program. Respondent shall maintain a sponsor relationship throughout the term of this Order.

13. Mental Health Professional

If the Evaluator finds that Respondent does not need substance treatment but does need psychological treatment, within 30 days of the Board's receipt of the Evaluator's report, Respondent shall enter into treatment with psychologist or behavioral health professional licensed to practice at the independent level (the "Mental Health Professional"). The Mental Health Professional must pre-approved by Board or Board staff. Upon entry into treatment, Respondent shall execute the appropriate release of information form allowing the Mental Health Professional to inform the Board of Respondent's entry and participation in mental health treatment. At least monthly for the first six (6) months of treatment and quarterly thereafter for the term of this Order, the Mental Health Professional shall provide a report to the Board informing the Board about Respondent's participation and progress in treatment. Respondent must comply with all treatment recommendations by the Mental Health Professional, and any failure to comply with treatment recommendations by the Mental Health Professional is a violation of this Order.

14. Drug Testing

If Respondent is found to have a substance use disorder and/or to be in need of substance treatment, within thirty (30) days of receipt of the Evaluator's report, Respondent shall enroll in a program that meets Board criteria for random drug testing, and random drug testing shall be done at a minimum of twice per month for the period of suspension. Whether or not the Evaluator

finds that Respondent has a substance use disorder and/or is in need of substance treatment, random drug testing shall be done at a minimum of twice per month for the first 18 months Respondent is employed as a nurse during the probationary period. Following the initial 18 month period of nursing employment and at any time during probation in which Respondent is not working as a nurse, Respondent shall be drug tested at a minimum of once per month. Drug testing may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within seven days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested by Respondent: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested.

15. Abstain from Alcohol Use

If Respondent is found to have a substance use disorder and/or in need of substance treatment or if recommended by the Mental Health Professional, Respondent shall abstain completely from the personal use of alcoholic beverages.

16. Abstain from Drug Use

Respondent shall abstain completely from the personal use or possession of controlled substances, as defined in the State Controlled Substances Act, and dangerous drugs as defined by law, or any drugs requiring a prescription.

17. Proof of Prescription

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for a bona fide illness or condition by a medical provider. If Respondent is found to be chemically dependent and/or in need of substance or psychological treatment, during the duration of this Order, Respondent shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized by Respondent. Respondent shall immediately submit to that provider a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and shall execute all release of information form(s) as required by the Board or its designee. The medical provider shall, within one week of the effective date of the consent agreement, inform the Board, in writing, of knowledge of Respondent's Order and provide a list of medications prescribed for Respondent. DURING THE DURATION OF THE CONSENT AGREEMENT, RESPONDENT SHALL CAUSE ALL PROVIDERS TO NOTIFY THE BOARD OF ANY ADDITIONAL MEDICATIONS ORDERED BY THE PROVIDER. THE

NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE
PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a narcotic or mood-altering drug, Respondent shall cause her prescribing provider to submit monthly reports to the Board by the 30th day of each month regarding the continued need for the prescribed narcotic or mood-altering medications. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

18. Pharmacy Profiles

Throughout the duration of this Order, Respondent shall use only one pharmacy from which to obtain her prescriptions. Within 30 days of the effective date of the Consent Agreement, Respondent shall submit in writing to the Board the name of every pharmacy and/or facility from which Respondent is currently obtaining prescription medications, and shall submit the name of the pharmacy from which she chooses to obtain future prescriptions. Throughout the duration of the Order, Respondent must inform the Board in writing within 7 days of any additions or changes in pharmacies from which Respondent obtains medications. Respondent shall submit a copy of all pharmacy profiles to the Board on a quarterly basis according to the assigned reporting due dates, and upon request from the Board or its designee. The first report shall be due on the first quarterly due date after the effective date of this Order.

19. Release of Information Forms

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

20. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state telephonically for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

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21. Renewal of License

In the event the Respondent's nurse license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license, pay the applicable fee, and otherwise maintain qualification to practice nursing in Arizona.

22. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in nursing employment, personal address or telephone number.

23. Obey All Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, however, commission of minor civil moving traffic violations are excluded.

24. Costs

Respondent shall bear all costs of complying with this Order.

25. Violation of Order

If Respondent violates this Order in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent's license or take other

disciplinary action. The issue at such a hearing will be limited solely to whether this Order has been violated. If a new complaint, including a complaint for noncompliance with this Order, is filed against Respondent during the term of this Order, the Board shall have continuing jurisdiction until the matter is final, and the period of suspension or probation (whichever Respondent is under at the time the new complaint is received) shall be extended until the matter is final. If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's employer (if any) of the non-compliance.

26. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

TERMS OF PROBATION

27. Stamping of License

Respondent's license shall be stamped "PROBATION" and returned to Respondent. During the probationary period, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped "probation." Respondent is not eligible for a multistate "Compact" license.

28. Relapse Prevention

If Respondent is found to have a substance use disorder and/or in need of substance treatment, eighteen (18) months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and

successfully complete a relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the relapse prevention evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule, for the remainder of the probationary period or verification of successful completion of the program.

29. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires nursing licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within three days of the start of the probationary period or within 7 days of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead,

acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

30. Reports

On the first day of each month, if Respondent is working in any position which requires nursing licensure, Respondent shall cause every employer Respondent has worked for during the month to provide to the Board, in writing, employer evaluations on the Board-approved form. The first report is due on the first day of the month following the month in which Respondent's probationary period begins. Such reports shall be due monthly for the first six (6) months of Respondent's nursing employment and probationary status and quarterly thereafter for the remainder of the probation. When reports are due quarterly, they are due within seven (7) days of the first day of each quarter. Receipt of notice of an unsatisfactory employer evaluation, verbal or written warning, counseling or disciplinary action any of which pertain to patient care practice issues, or termination from a place of employment shall be considered as noncompliance with the terms of the Order. In the event Respondent is not working in a position which requires nursing licensure, or attending school during any quarter or portion thereof, Respondent shall provide to the Board, in writing, a self-report describing other employment or activities on the

Board-approved form. Failure to provide employer evaluations/or self-reports within 7 days of the reporting date shall be considered as noncompliance with the terms of the Order.

31. Access to Drugs

If Respondent is found to have a substance use disorder and/or in need of substance or psychological treatment, Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Dilaudid and Versed medications, at least during the first 12 months of nursing employment and probationary status. Upon evidence of full compliance with the probationary terms, the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substances.

32. Practice Under Direct Supervision

Respondent shall practice as a nurse only under the direct supervision of a registered nurse in good standing with the Board. Direct supervision is defined as having a registered nurse present on the same unit with the Respondent when Respondent is practicing as a nurse. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse/primary preceptor shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event that the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause her new supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervisor's receipt of a copy of this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law and the

new supervising nurse's agreement to comply with the conditions of probation within ten days of assignment of a new supervising nurse.

33. Acceptable Hours of Work

Respondent shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than 3 consecutive 12-hour shifts during this probationary period. Respondent shall not work 2 consecutive 8 hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

34. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

35. Out-Of-State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

36. Completion of Probation

If Respondent is found to have a substance use disorder or to be in need of substance or psychological treatment, the length of probation shall be at a minimum, 36 months. When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all

terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group (if applicable) will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee. At the end of the Probationary period, the Respondent shall request formal review by the Board, and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

If Respondent is found to not have a substance use disorder and not to be in need of substance or psychological treatment, the length of probation shall be at a minimum, 24 months. At the end of the Probationary period, the Respondent shall request formal review by the Board; and, after formal review by the Board, Respondent's nurse license may be fully restored by the appropriate Board action if compliance with the Board Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: JUNE 17, 2010

COPY mailed this 18th day of JUNE, 2010, by First Class Mail to:

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